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REMARKS

In response to the Office Action mailed May 5, 2003, Applicants respectfully request reconsideration. To further the prosecution of this application, each of the objections and rejections made in the Office Action is addressed herein.

Claims 1-79 presently are pending in this application, of which claims 1, 8, 9, 21, 28, 35, 36, 37, 39, 40, 52, 59, and 77 are independent claims. By this Amendment, Applicants have amended claims 1, 8, 9, 14, 21, 28, 35, 36, 37, 39, 40, 45, 52, and 59. Also, Applicants have added new claims 66-79 to further define Applicants' contribution to the art. No new matter is added. The application as now presented is believed to be in allowable condition.

A. Allowable Subject Matter

On Page 4, the Office Action indicates that claims 8-34 and 39-65 are objected to as being dependant upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of their respective base claims and any intervening claims.

Accordingly, claims 8, 9, 21 and 28 have been rewritten in independent form to include all of the limitations of independent apparatus claim 1 as pending prior to the amendments herein. Similarly, claims 39, 40, 52, and 59 have been rewritten in independent form to include all of the limitations of independent method claim 37 as pending prior to the amendments herein. Therefore, each of these claims as amended now is in condition for allowance.

New claim 68 depends from newly rewritten claim 8 and is allowable based at least upon its dependency.

Claims 10-20 and new claim 69 depend from new independent claim 9, and are allowable based at least upon their dependency. Dependant claim 14 has been amended to further clarify at least one feature of the apparatus recited in this claim.

Claims 22-27 and new 70 depend from newly rewritten independent claim 21 and are allowable based at least upon their dependency.

Claims 29-34 and new claim 71 depend from newly rewritten independent claim 28 and are allowable based at least upon their dependency.

New claim 73 depends from newly rewritten independent claim 39 and is allowable based at least upon its dependency.

Claims 41-51 and new claim 74 depend from newly rewritten independent claim 40 and are allowable based at least upon their dependency. Dependent claim 45 has been amended to further clarify at least one feature recited in this claim.

Claims 53-58 and new claim 75 depend from newly rewritten independent claim 52 and are allowable based at least upon their dependency.

Claims 60-65 and new claim 76 depend from newly rewritten independent claim 59 and are allowable based at least upon their dependency.

B. Claim Rejections Under 35 U.S.C. §102

On Page 2 of the Office Action, claims 1-7 and 35-38 were rejected under 35 U.S.C. §102(e) as being anticipated by Ishiharada et al. (U.S. Patent No. 6,030,108).

Ishiharada is directed to a waterproof lighting apparatus including a “light transmission hose” that guides light from a remotely located light source to an illumination area (Abstract). For example, in one embodiment as shown in Ishiharada’s Fig. 1, light generated from one or more remotely located light sources is guided by a light transmission hose so as to illuminate an artificial pond and a fountain (Col. 4, lines 31-39).

Various details of the light transmission hose are described in connection with Figs. 4, 5, and 6, for example, in which it is readily apparent that the light transmission hose essentially is a light waveguide including a core and a cladding layer having respective indexes of refraction so as to appropriately guide light through the hose (i.e., at least a portion of light traveling through the core of the hose is at least partially reflected by the cladding layer back into the core to facilitate guiding of the light).

Ishiharada discloses a variety of applications relating to such a waterproof lighting apparatus. It is particularly noteworthy that in each disclosed embodiment, light generated from one or more light sources is guided by one or more transmission hoses.

Specifically, nowhere in the reference does Ishiharada disclose or suggest any lighting apparatus for any application that does not require a light transmission hose to guide radiation emitted by one or more light sources.

In contrast to Ishiharada, Applicants claim 1, as amended, is directed to an apparatus comprising, *inter alia*, at least one light source to illuminate a liquid, wherein the at least one light source is positioned so as to illuminate the liquid with substantially unguided radiation. As discussed above, Ishiharada fails to disclose or suggest the apparatus of Applicants claim 1, as Ishiharada's entire disclosure is directed to a lighting apparatus that includes a light transmission hose to guide light generated by a remotely located light source. For at least the foregoing reason, claim 1 patentably distinguishes over Ishiharada and is in condition for allowance. Therefore, the rejection of claim 1 under 35 U.S.C. §102(e) as being anticipated by Ishiharada should be withdrawn.

Claims 2-7 and new claims 66 and 67 depend from claim 1 and are allowable based at least upon their dependency.

Claim 35, as amended, is directed to an apparatus comprising, *inter alia*, at least one light source to illuminate a liquid. The at least one light source includes at least two differently colored LED's to generate variable color radiation, and is positioned so as to illuminate the liquid with substantially unguided radiation. For reasons similar to those discussed above in connection with claim 1, claim 35 patentably distinguishes over Ishiharada and is condition for allowance. Therefore the rejection of claim 35 under 35 U.S.C. §102(e) as being anticipated by Ishiharada should be withdrawn.

Claim 36, as amended, is directed to a method for illuminating a liquid, comprising acts of illuminating the liquid with substantially unguided radiation output simultaneously by at least two differently colored LED's, and controlling the radiation based on at least one detectable condition. For reasons similar to those discussed above in connection with claims 1 and 35, claim 36 patentably distinguishes over Ishiharada and is in condition for allowance. Therefore the rejection of claim 36 under 35 U.S.C. §102(e) as being anticipated by Ishiharada should be withdrawn.

Claim 37, as amended, is directed to a method for illuminating a liquid in one of a pool and a spa. The method comprises acts of illuminating the liquid in the one of the

pool and the spa with substantially unguided variable color radiation, and controlling the variable color radiation based on at least one detectable condition. For reasons similar to those discussed above in connection with claim 36, claim 37 patentably distinguishes over Ishiharada and is in condition for allowance. Therefore the rejection of claim 37 under 35 U.S.C. §102(e) as being anticipated by Ishiharada should be withdrawn.

Claim 38 depends from claim 37, and is allowable for at least the same reasons.

C. Newly-Added Claims

Claims 66-79 have been added to further define Applicants' contribution to the art.

As discussed above, each of claims 66 through 76 is a dependent claim that depends from an allowable independent claim. No new subject matter is added by these new dependent claims. For example, claims 66, 67 and 72 recite at least one light source that includes at least one lens. This feature is clearly shown in the drawings and discussed in the specification in connection with at least Figs. 3, 11 and 12.

New independent apparatus claim 77 essentially combines the limitations recited in claims 1, 2 and 3 as pending prior to the amendments herein. In particular, claim 77 is directed to an apparatus comprising, *inter alia*, one of a pool and a spa to contain a liquid, and at least one light source, supported by the one of the pool and the spa, to illuminate the liquid. The at least one light source includes means for engaging the at least one light source mechanically and electrically with a conventional light socket supported by the one of the pool and the spa.

Ishiharada fails to disclose or suggest the features recited in Applicants' independent claim 77. In particular, Ishiharada fails to disclose or suggest at least one light source that includes means for engaging the at least one light source mechanically and electrically with a conventional light socket supported by one of a pool and a spa.

On page 3 of the Office Action, in connection with dependent claim 3, the Office Action states that Ishiharada discloses at least one light source including an incandescent lamp which inherently includes means for engaging mechanically and electrically with a conventional light socket. While Applicants do not necessarily agree with this assertion,

Applicants respectfully point out that nowhere in the reference does Ishiharada disclose or suggest a conventional light socket *that is supported by one of a pool and a spa*, as required by claim 77. In particular, it is readily apparent from Ishiharada's text and figures that one of the main purposes of Ishiharada's waterproof lighting apparatus is to facilitate locating a light source in a location away from water. Accordingly, there is no example provided by Ishiharada of a light source that includes means for engaging the light source mechanically and electrically with a conventional light socket supported by one of a pool and a spa. For at least this reason, claim 77 patentably distinguishes over Ishiharada and is in condition for allowance.

Claims 78 and 79 depend from claim 77 and are allowable based at least upon their dependency.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
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